

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO JOSE CALDERÓN LÓPEZ, D/B/A
STARLIGHT CONSULTING SERVICES;
STARLIGHT ENTERTAINMENT
ENTERPRISES, INC.,

Plaintiffs,

-against-

GRACE CORPORATION PARK, LLS; 251
WEST, 36 STREET REALTY,

Defendant.

22-CV-11013 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Ricardo Jose Calderón López (“López”), who is appearing *pro se*, filed a notice of removal to remove to this Court two actions that were pending in the Civil Court of the City of New York, Small Claims Part (“Small Claims”) in 2007. *See López v. Grace Corp, Park LLC*, No. 16026-SCNY-2007; *López v. 251 W. 36 St. Realty*, No. 16548-SCNY-2007. (ECF 2, at 3.) López, the plaintiff in both actions, “seeks removal on the grounds of the Deprivation of Const. Right(s) § 1983.” (ECF 2, at 4.) Even assuming these two cases are still pending, the Court finds that Plaintiff cannot remove these actions because he is not the defendant in the state-court matters. The removal statute provides named defendants the right to remove an action, not the plaintiff. *See* 28 U.S.C. § 1441(a). The Court therefore remands this action to New York City’s Small Claims court.

CONCLUSION

Because removal of this action is improper, it is remanded under 28 U.S.C. § 1447(c) to the Civil Court of the City of New York, Small Claims.

The Clerk of Court is directed to send a copy of this order to that court and to close this action.

All pending matters are terminated, including Plaintiff's motion for permission for electronic case filing (ECF 3).

Dated: January 31, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge